

Remarks/Arguments

This application has been carefully considered in light of the Final Office Action mailed January 24, 2008. As a result, further amendments have been made to the claims in order to more clearly differentiate the present invention with respect to the prior art.

Claims 1-5, 7, 8, 12-14, 18, 19, 21, 22 and 24-28 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 1,082,317 to Giarding. Claim 11 has been rejected under 35 U.S.C. 103(a) as being obvious and therefore unpatentable in view of Giarding.

The Examiner has indicated that the subject matter of claims 3-6, 9, 10, 15-17, 20 and 23 is directed to allowable subject matter and these claims would be allowed if amended or rewritten to include the limitations of the base claim and any intervening claims.

The reference to Giarding has been studied and it is respectfully submitted that the reference does not anticipate, teach, nor make obvious any of the claims of the present application. In order to anticipate an invention under 35 U.S.C. 102(b) a cited reference must include each of elements of the claimed invention or the equivalent structure thereof. In rejecting the claims under 35 U.S.C. 102(b) the Examiner has stated that the reference to Giarding includes a projection "j" which is secured by a locking member "g" to lock the projection to a cross bar in a heddle frame. It is respectfully submitted

that the screw "j" of the cited reference cannot and does not function as a projection in the manner as taught by the present invention. To further distinguish the present invention with respect to the screw disclosed in the cited reference, claim 1 has been amended to recite that the projection extends laterally so as to be oriented in alignment with the cross-bar toward the opposing vertical strut. With the present invention, a vertical strut is secured to an adjacent cross-bar by either clamping the projection relative to the tubular part of the end portion of the adjacent cross-bar or by inserting the projection directly within the tubular part of the end portion of the adjacent cross-bar and securing the projection with a screw, adjustable clamp and the like which securing devices are referred to in the claims as a locking members. In the present invention, the locking members are disclosed in the various embodiments at 25, 26; 944-946; 1044, 1046; 1125a, and 1126. It is respectfully submitted that the screw "j" of the cited reference functions as a locking device and not as a lateral projection by way of which a vertical strut may be secured to an adjacent cross-bar.

Further, the Examiner has cited that the filler blocks "g" of the cited reference function as locking members for securing a projection relative to the adjacent cross-bar. However, the filling blocks "g" merely receive the end of the screws "j" and actually function to receive the ends of the cross-bars shown at "e" in the drawing figures of the cited reference.

In addition to the foregoing differences between the present invention and the cited reference, claim 1 defines

that the at least one hoop cooperatively engages an outer surface of the tubular part of the end portion to thereby reinforce the tubular part of the end portion to resist a locking effort exerted on the tubular part of the end portion by the at least one locking member. In the cited reference, if the locking member considered to be the block "g" there is no force exerted outwardly similar to the forces shown at F_3 , F'_3 as is set forth in claim 1 of present application and as shown in Fig. 2 of the drawings of the present application. The blocks "g" do not create any force outwardly relative to the end structure of the vertical struts are fixed in size.

A further difference between the present invention, as set forth in claim 1, and the cited reference, is that the at least one hoop is recited as surrounding the tubular part of the end portion, the projection and the locking member. If the projection and the cited reference is considered to be the screw "j", there is no loop surrounding the outer portion thereof and therefore such screw cannot be interpreted as providing the same structure nor function as the projection of the present invention.

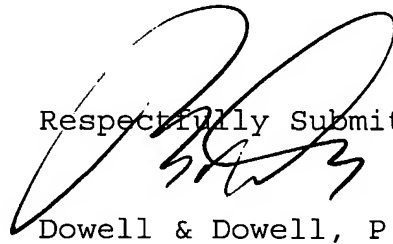
In view of the foregoing, it is respectfully submitted that claim 1 is clearly distinguishable with respect to the cited and therefore should be in condition for allowance. Also, all claims that depend from claim 1 should be allowable for the same reasons as well as for the additional structure defined thereby.

An earnest effort has been made to place this application in condition for allowance which action is respectfully

solicited. If the Examiner has any questions regarding the allowability of the application, it would be appreciated if the Examiner would contact the undersigned attorney of record at telephone number shown below for purposes of scheduling a personal interview in order to expedite the further prosecution of the application.

It is requested that this amendment after final be entered as placing the application in condition for allowance. No new issues are being raised as the cited reference is the same recited against the original claims and the structure of the present invention is clear from the application as originally filed and as shown in the drawings. No further search should be required on the Examiner's part as the structure of the invention, as claimed with the current amendments to the claims, does not present new matter.

Respectfully Submitted;



Dowell & Dowell, P.C.

Ralph A. Dowell
Registration 26,868

Dated: April 24, 2008
2111 Eisenhower Avenue
Suite 406
Alexandria, VA 22314
Tele: 703-415-1555
e-mail: dowell@dowellpc.com
Customer No. 000293